

27 April 1830.



(Ireland.)

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B I L L

[AS AMENDED BY THE COMMITTEE]

To explain and amend an Act made in the Seventh year of His present Majesty, with respect to the Assignment and Subletting of Lands and Tenements in *Ireland*.

N.B.—The Clauses marked (A. B. & C.) were added by the Committee.

WH ~~HEREAS~~ it is expedient to remove certain doubts as to the construction of an Act, passed in the Seventh year of His present Majesty, intituled, "An Act to amend the Law of *Ireland* respecting the Assignment and Subletting of Lands and Tenements;"

5 ~~BE~~ it therefore ~~Declared and Enacted~~, by The KING's most Excellent MAJESTY, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT nothing in the said Act contained shall extend or be deemed or construed to extend

10 to impeach or affect the past waiver of, or to revive or renew the force or operation of, any condition, covenant or contract against assigning or subletting, made or entered into before the First day of June One thousand eight hundred and twenty-six, and which before that day was, or would by construction of law have been held to be, waived or extin-

15 guished, by or by reason of any act, matter, or thing theretofore done, suffered, or acquiesced in, by any lessor or landlord, or person contracting to demise, or by his or her heirs executors administrators or assigns; and any and every such act, matter, or thing, by any such lessor, landlord or person, suffered or acquiesced in before the said First day of June, shall have and shall continue to have the same effect at law and in equity, with respect to any such condition, covenant, or contract, to all intents and purposes as if the said Act had not passed.

Parable,
7 Geo. IV.
c. 29.

Revised Act shall not impeach the waiver, or revive the operation of any covenant waived by any Landlord previous to 1 June 1826.

Recited Act shall not extend to actual Mortgage of Lands, &c. held under Lease for Forty Years, &c.

And be it further Enacted, That nothing in the said recited Act contained shall extend or be construed to extend to any Assignment of any Lands or Tenements held under any Lease for a term of Forty years or upwards, or under any Lease with a covenant for perpetual renewal, or with a *forfeiture* *quasi* covenant for renewal, where such Assignment shall have been or shall be made or executed really and *bona fide* as and for a mortgage, and for no other purpose; and that every such mortgage may be transferred *bona fide* from time to time, or reassigned to the person entitled to the equity of redemption, in the same manner as if the said recited Act had not passed: Provided always, That it shall not be lawful for any mortgagee under any such mortgage, or for any assignee of such mortgagee, to sublet the premises so mortgaged, in any other manner than the original mortgagor would have had power to do under the said recited Act or this Act; and that every such mortgagee claiming or being entitled to the property in mortgage, freed from any equity of redemption, shall be considered as standing in the place of the original mortgagor, and shall be liable to the provisions of the said recited Act to the same extent (but no further) as such original mortgagor would have been if the property had remained vested in him.

Mortgagee shall not sublet contrary to recited Act, and shall stand in the place of the original Mortgagor.

Not to extend to Houses, except in case of positive contract.

And be it further Declared and Enacted, That nothing in the said Act contained shall extend or be construed to extend to any dwelling-house, or part of any dwelling house; unless the same is or shall be held or enjoyed under a lease or other contract containing a provision against assigning or subletting.

Repeal of § 9 of 7 Geo. IV. c. 39, as to Devises.

And be it Enacted, That so much of the said Act as relates to any Devise of Lands or Tenements, shall be and the same is hereby Repealed.

CLAUSE (A.)
In Cases of Contract against Alienation by Will, no future Waiver shall extend to any other breach than that expressly waived.

Provided always, and be it Enacted, That when any Lease or Demise, or contract for a Lease or Demise of any Lands Tenements or Hereditaments in *Ireland*, whether made before or after the passing of this Act, shall contain any condition covenant or agreement against alienation, by devise or will, no waiver of the benefit of such condition covenant or agreement which shall take place after the passing of this Act, shall extend, or be construed to extend, to any other breach thereof than the breach to which such waiver shall specially and expressly relate.

CLAUSE (B.)
Persons holding under letters by Order of Court, shall not sublet, or if they do, the Court may declare the Tenancy to be determined.

And be it Enacted, That no person holding or enjoying any Lands Tenements or Hereditaments in *Ireland*, under any letting made in pursuance of an order of any court of justice, shall assign or sublet the same, or any part thereof; and if any person so holding or enjoying, shall assign or sublet such Lands Tenements or Hereditaments, or any part

part thereof, it shall and may be lawful for the court under which such person shall so hold and enjoy, if such court shall so think fit, upon motion or petition, to declare the tenancy or interest of the person so assigning to be determined, and to proceed as such court might have done, had such tenancy or interest determined by effluxion of time.

And be it Enacted, That every assignee of any landlord lessor or person contracting to demise either the whole or part of his or her estate or interest, or the whole or part of the premises demised or contracted for, shall and may have, use, exercise and enjoy all such rights, remedies, actions, powers, privileges, benefits and advantages, whether by way of re-entry or otherwise, for the breach of any condition contract or agreement against subletting or assigning Lands Tenements or Hereditaments in *Ireland*, or of any of the provisions of the said recited Act or of this Act, as well against the lessee tenant or party contracting to become such, as against all persons deriving from or under such lessee tenant or contracting party, as such lessor landlord or person contracting to demise might have against the lessee tenant or party contracting to become such.

CLAUSE (C.)
Assignees of
Landlords
shall have
all their pow-
ers of re-entry,
&c. against
Tenants sub-
letting, &c.

11 Geo. IV.,—Sess. 1830.

(Ireland.)

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B I L L

[AS AMENDED BY THE COMMONS.]

To explain and amend an Act made in the
Seventh year of His present Majesty, with
respect to the Assignments and Subletting
of Lands and Tenements in Ireland.

Ordered, by The House of Commons, to be Printed,
27 April 1830.
